

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
JOSEPH A. WALKOWSKI
TRASKBRITT
230 SOUTH 500 EAST, SUITE 300
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year)

21 JUL 2008

Applicant's or agent's file reference
3127-6779PC

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US06/34550

International filing date
(day/month/year) 07 September 2006 (07.09.2006)

Applicant
UNITED TOTE COMPANY

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest against payment of (an) additional fee(s) under Rule 40.2,** the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

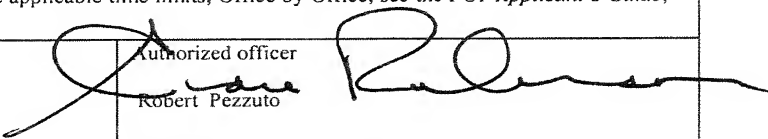
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Authorized officer

Robert Pezzuto

Telephone No. 571-272-6996

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Applicant's or agent's file reference 3127-6779PC | FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small> | |
| International application No. PCT/US06/34550 | International filing date (<i>day/month/year</i>) 07 September 2006 (07.09.2006) | (Earliest) Priority Date (<i>day/month/year</i>) 09 September 2005 (09.09.2005) |
| Applicant UNITED TOTE COMPANY | | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of _____ sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of:



the international application in the language in which it was filed.



a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 Rule 43.6 *bis(a)*

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US06/34550

A. CLASSIFICATION OF SUBJECT MATTER

IPC: G06F 19/00(2006.01);G06F 17/00(2006.01)

USPC: 463/28

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 463/28

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Internet

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|-----------------------------------------------------------------------------------------------------|-----------------------|
| X | NYRA ONE Account membership kit, www.nyra.com, Published June 2004, retrived June 2008, Pages 1-13. | 1-73 |

☐

Further documents are listed in the continuation of Box C.

☐

See patent family annex.

| * Special categories of cited documents: | | |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "A" | document defining the general state of the art which is not considered to be of particular relevance | "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| "E" | earlier application or patent published on or after the international filing date | "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| "L" | document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "O" | document referring to an oral disclosure, use, exhibition or other means | |
| "P" | document published prior to the international filing date but later than the priority date claimed | "&" document member of the same patent family |

Date of the actual completion of the international search

18 June 2008 (18.06.2008)

Date of mailing of the international search report

21 JUL 2008

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Robert Pezzuto

Telephone No. 571-272-6996

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
JOSEPH A. WALKOWSKI
TRASKBRITT
230 SOUTH 500 EAST, SUITE 300
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SALT LAKE CITY, UT 84110-2550

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **21 JUL 2008**

Applicant's or agent's file reference

3127-6779PC

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US06/34550

International filing date (day/month/year)

07 September 2006 (07.09.2006)

Priority date (day/month/year)

09 September 2005 (09.09.2005)

International Patent Classification (IPC) or both national classification and IPC

IPC: **G06F 19/00**(2006.01);**G06F 17/00**(2006.01)

USPC: 463/28

Applicant

UNITED TOTE COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
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P.O. Box 1450
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Facsimile No. (571) 273-3201

Date of completion of this opinion

27 June 2008 (27.06.2008)

Authorized officer

Robert Pezzuto

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US06/34550

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US06/34550

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-73</u> | YES |
| | Claims <u>NONE</u> | NO |
| Inventive step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-73</u> | NO |
| Industrial applicability (IA) | Claims <u>1-73</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US06/34550

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-73 lack an inventive step under PCT Article 33(3) as being obvious over NYRA One Account ("NYRA"). NYRA discloses methods and devices for betting at work, at the track, or at home. NYRA allows a card holder to access funds easily by making fast and safe deposits and withdrawals. Card holders insert cards in "Sam machines" or use portable "Tiny Tims" to access funds to make wagers. Card holder are requested for a PIN for verification. Funds may also be transferred to a card holder's account from a Visa, MasterCard, or Discover Card, for instance. Moreover, a card holder may withdraw funds at the track through a Sam machine at any time. The Sam machines and Tiny Tims display a card holders balance on the account. The Sam machines are a convenient way to wager without waiting in line at the pari-mutuel windows. The Sam machines may also be utilized with as a ticketless system whereby a card holder's account is credited or debited accordingly without the inconvenience of waiting in line to cash tickets. Furthermore, a card holder's account is immediately credited or debited after the race on which a wager has been made is made official.

Claims 1, 14, 20, 28, 33, 49, 55 : A method of lottery-type wagering, the method comprising:
providing a gaming terminal configured for placing a lottery-type wager; providing a player an opportunity to place funds in an anonymous account; enabling the player to access at least a portion of the funds of the anonymous account for use in placing the lottery-type wager; and
enabling the player to place the lottery-type wager using the at least a portion of the funds of the anonymous account (pp. 1-13).

Claims 2, 64: The method according to claim 1, further comprising providing the player with an opportunity to associate the anonymous account with a credit instrument (pp. 1-13).

Claims 3, 35, : The method according to claim 2, further comprising using the credit instrument to access an informational display at a venue offering lottery-type gaming (pp. 1-13).

Claims 4, 24, 39, 65: The method according to claim 1, further comprising providing the player with an opportunity to add additional funds to the anonymous account (pp. 1-13).

Claims 5, 40: The method according to claim 1, wherein enabling the player to access the at least a portion of the funds comprises sending a request for allocation of the at least a portion of the funds to a remote computer in communication with the gaming terminal (accessing the at least a portion of funds comprises sending a request for allocation of the at least a portion of funds to a remote computer in communication with the card reader (pp. 1-13). Funds may also be transferred to a card holder's account from a Visa, MasterCard, or Discover Card, for instance. This occurs at a remote computer).

Claims 6, 41: The method according to claim 5, wherein enabling the player to access the at least a portion of the

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US06/34550

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

funds further comprises receiving the at least a portion of the funds requested from an authorization sent to the gaming terminal from the remote computer(pp. 1-13).

Claims 7, 16, 30-31, 42, 67: The method according to claim 1, further comprising updating the monetary account with winnings from a result of the pari-mutuel wager (pp. 1-13). A card holder's account is immediately credited or debited after the race on which a wager has been made is made official.

Claims 8, 15, 25, 29, 43, 47, 57-62, 68-69: The method according to claim 1, wherein placing the purchase using the house card is effected before placing the pari-mutuel wager (pp. 1-13). A player may withdraw funds prior to placing a pari-mutuel wager in order to purchase refreshments while at the race track.

Claims 9, 44, 66: The method according to claim 2, further comprising selecting the credit instrument to have a predenominated amount of funds (pp. 1-13).

Claims 10, 17, 23, 37-38, 45-46: The method according to claim 2, further comprising: wherein enabling the player to access the at least the portion of the funds comprises placing the credit instrument into the gaming terminal; and removing the credit instrument from the gaming terminal prior to enabling the player to place the lottery-type wager (wherein placing the purchase using the house card is effected before placing the pari-mutuel wager (pp. 1-13). A player may withdraw funds prior to placing a pari-mutuel wager in order to purchase refreshments while at the race track)

Claims 11, 36, 48: The method according to claim 1, wherein accessing at least a portion of funds of the monetary account for use at the gaming terminal further comprises requesting a specific amount of funds as determined by the player (pp. 1-13). A card holder may withdraw funds (a specific amount) at the track through a Sam machine at any time.

Claims 12, 18, 22, 26, 51-52, 70-73: The method according to claim 2, further comprising: selecting the credit instrument to be associated with a second monetary account associated with a debit card account or a credit card account; transferring funds from the second monetary account to the anonymous account; and using the at least a portion of the funds from the monetary account to place the lottery-type wager (the house card can be associated with a first monetary account and with a second monetary account associated with a debit card accounts or a credit card account, and using the at least a portion of the funds from the first monetary account to place the pari-mutuel wager (pp. 1-13)).

Claims 13, 19, 21, 27, 32, 34, 56, 63: The method according to claim 1, further comprising enabling the player to purchase goods or services with a portion of the funds of the anonymous account (A player may withdraw funds prior to placing a pari-mutuel wager in order to purchase refreshments while at the race track, pp. 1-13).

Claim 50. The method according to claim 49, wherein forwarding information comprises sending the information using text messaging or email (pp. 1-13).

Claim 54. The method according to claim 50, further comprising transferring funds between the first monetary account and the second monetary account (the house card can be associated with a first monetary account and with a second monetary account associated with a debit card accounts or a credit card account, and using the at least a portion of the funds from the first monetary account to place the pari-mutuel wager (pp. 1-13)).

Claims 1-73 meet the criteria set out in PCT Article 33(4), and thus meet the industrial applicability because the subject matter claimed can be made or used in industry.